IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3560 OF 2006

Raghunath Ganpati Patil Applicant
versus
The State of Maharashtra Respondent

Shri A.P.Mundargi, Sr.Counsel with P.P.Runwal for applicant.

Mrs.M.M.Deshmukh, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 11th October 2006

PC :

1. The applicant is arrested in connection with CR No.237 of 2006 by Karveer Police Station, Kolhapur for offences punishable under sections 306 r/w 34 of IPC and Section 32(b), (c) and 33 of Money Lenders Act. The prosecution story is that the deceased was residing along with his son, the first informant Rahil who had started a business in the name of Unique Ceramic. For some time the business was flourishing but later on, on account of heavy liabilities and debts, the son borrowed lot of monies from several persons. One amongst them was Uday Patil who was an

employee with Kolhapur District Central Co-operative Bank. The said persons were all the time demanding return of their monies and some amounts were paid by the deceased father. He could not return the monies borrowed by his son from several persons. It is this indebtedness and inability to pay back the hand loans resulted into the incident of father committing suicide.

2. I have perused the suicide note left by the father and the statement of son recorded while registering the FIR..

3. As far as applicant is concerned, all that is alleged against him is that he has not advanced any monies but on several occasions approached the deceased father and son for return of monies of Uday Patil. If the statement and the suicide note is read, prima facie, the applicant is not a lender and several persons being named in both, the suicide note as well as statement, would show that even if the investigations are not complete, he can be enlarged on bail with appropriate conditions. Accordingly following order.

4. ORDER :-

(i) The applicant shall be enlarged on bail in connection with C.R.No.237 of 2006 registered with Karveer Police Station, Kolhapur subject to furnishing a personal bond of Rs.15,000/- (Rs.Fifteen thousand only) with one or two local sureties in the like sum;

(ii) The applicant shall reside in Chikhali, Taluka Karveer, District Kolhapur as undertaken. The applicant shall not enter Kolhapur city limits till charge sheet is filed. However, this does not prevent him from entering the Kolhapur city limits for attending Court proceedings;

(iii) The applicant shall report to Panhala Police Station, District Kolhapur once in a week till conclusion of trial;

(iv) The applicant shall forthwith communicate his residential address where he proposes to reside after bail and during pendency of trial to the investigating authority and he shall not change his new residence without prior intimation to the investigating authority;

(v) The bail is granted subject to condition that the applicant shall not, directly or indirectly,

make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence;

(vi) The applicant shall co-operate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail;

(vii) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial;

(viii) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)